

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES L. THOMAS,

Plaintiff,

v.

JEFFRY HOOD,

Defendant.

No. C10-5369 RJB/JRC

ORDER

This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Before the court is plaintiff's motion for appointment of counsel (ECF No. 19).

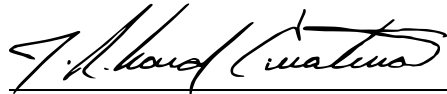
There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both

1 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro
2 se in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

3 Plaintiff has not demonstrated exceptional circumstances in this case. Although plaintiff
4 has demonstrated an adequate ability to articulate his claims, the claims alleged to date, are not
5 complex and the hardships plaintiff articulates in his motion, are difficulties any pro se inmate
6 faces. Plaintiff has not shown a high likelihood of success. Plaintiff's Motion to Appoint
7 Counsel is **DENIED**.

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9 The Clerk's Office is directed to send plaintiff a copy of this order and remove ECF no.
10 19 from the court's calendar.

11 DATED this 12th day of May, 2011.

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15 J. Richard Creatura
16 United States Magistrate Judge
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